



DEC 12 2012

The Honorable Gary R. Herbert
Governor of Utah
Utah State Capitol
Suite 200
Salt Lake City, Utah 84114

Dear Governor Herbert:

This letter provides approval of Utah's State Integrated Workforce Plan for Title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (W-P), including W-P Agricultural Outreach Plan, plans for coordination with Trade Adjustment Assistance (TAA), and Title V of the Older Americans Act. The Employment and Training Administration (ETA) received the State Integrated Workforce Plan on September 18, 2012. This letter also addresses Utah's WIA waiver requests.

Training and Employment Guidance Letter (TEGL) No. 21-11, issued on March 27, 2012, and TEGL No. 21-11, Change 1 issued on August 8, 2012, provide guidance for states to submit their State Workforce Plans and waivers for Program Year (PY) 2012 and beyond. We appreciate the State's responsiveness to this guidance.

Plan Review and Approval

ETA has reviewed the Utah State Integrated Workforce Plan in accordance with Title I of WIA, the Wagner-Peyser Act, the Trade Act (as amended), the corresponding regulations, the *State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act, and Department of Labor Workforce Programs* (<http://www.doleta.gov/usworkforce/wia-planning/docs/integrated-planning-guidance.pdf>), Title V of the Older Americans Act and corresponding regulations, TEGL No. 21-11, and the corresponding Change 1. Pursuant to 20 CFR 661.230(e), this letter constitutes a written determination under WIA Section 112 (29 USC 2822), and WIA section 501 (20 USC 9271) which pertains to State Unified Plans, that ETA is approving those portions of the Utah State Integrated Workforce Plan that relate to Title I of WIA, the Wagner-Peyser Act, and TAA for Program Years 2012-2016, July 1, 2012 through June 30, 2017. The annual W-P Agricultural Outreach Plan is approved for the period July 1, 2012 through June 30, 2013. The Senior Community Service Employment Program (SCSEP) State Plan has been reviewed by both ETA and the Administration on Aging, and is approved for Program Years 2012-2015, July 1, 2012 through June 30, 2016. The State is eligible to receive WIA formula allotments for Adult, Dislocated Worker, and Youth programs, and W-P program allotments, effective July 1, 2012 through June 30, 2017.

Performance Levels

Each year, the Regional Administrator negotiates the Program Year's WIA and W-P performance goals with each state. As required by TEGLs No. 21-11 and 38-11 dated June 18, 2012, negotiations must be completed by December 31, 2012 for PY 2012. Once the final goals are established, the Regional Administrator's letter advising the State of the PY 2012 WIA and W-P final performance goals constitutes a modification to the State Workforce Plan. ETA will incorporate Utah's final performance goals for PY 2012 into the Regional and National Office copies of the State Integrated Workforce Plan. Please include these final PY 2012 goals in the State's official copy of the State Workforce Plan.

Waivers

As part of Utah's State Integrated Workforce Plan, the State submitted waiver requests for waivers of statutory and regulatory requirements under WIA (copy enclosed). The State's request for waivers is written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c). The disposition of the State's waiver requests is outlined below. This action is taken under the Secretary's authority at WIA Section 189(i) to waive certain requirements of WIA Title I, Subtitles B and E, and Sections 8-10 of the Wagner-Peyser Act.

Waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area.

The State requested a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The State is granted this waiver through June 30, 2017. Under the waiver, transfer authority is limited to 50 percent. This limitation provides states flexibility while ensuring consistency with Congressional intent regarding the level of funding appropriated for the WIA Adult and Dislocated Worker programs.

Waiver to permit the State to replace the performance measures at WIA Section 136(b) with the common measures.

The State requested a waiver that allows the State to replace the 17 performance measures under WIA Section 136(b) with the common measures. The State is granted this waiver through June 30, 2017.

This waiver permits the State to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA Section 136(b). The State will no longer negotiate and report to ETA on the following WIA measures: WIA adult and dislocated worker credential rates; participant and employer customer satisfaction; older youth measures; and younger youth measures. The State will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The State will use the three youth common performance measures to negotiate goals and report

outcomes for the WIA Youth program. Workforce Investment Act Standardized Record Data system (WIASRD) item 619, Type of Recognized Credential, should be completed for each individual as appropriate, regardless of this waiver to report on common performance measure outcomes only.

Waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis.

The State is requesting a waiver of the WIA section 117(a)(2)(B) requirement for competitive procurement of service providers for all of the ten youth program elements. ETA believes that competitive procurement of these elements is the most efficient and cost-effective way to ensure the development of high-quality service providers, but we agree with the state that for some elements competitive procurement impacts continuity of services to youth and connections to work experience/internship host agencies and employers. Therefore, we have determined to approve this waiver in part.

ETA denies this waiver for those elements best suited for competitive procurement: tutoring, summer youth employment opportunities, occupational skills training, adult mentoring, leadership development, and alternative school. We approve the waiver to permit the State to allow its American Job Centers or partner agencies to directly provide the youth program elements of guidance and counseling, supportive services, follow-up services, and work experience. However, we approve the waiver for the element of guidance and counseling on the condition that the State may make this waiver available to local areas on a case-by-case basis to those areas that demonstrate a cost savings and ensure that its implementation provides equitable services to all customers regardless of background. The State must provide guidance outlining the criteria for obtaining such flexibility and must ensure that it reviews the following factors in assessing such requests:

- Description of the alternative service delivery arrangement
- Name of the AJC Operator or partner program that will provide the service
- Justification in support of the determination to not select the provider through a competitive procurement
- How customer service will be improved, including how the local area will leverage and coordinate services with community based organizations that serve diverse populations
- How the benefits will be measured

The State must monitor the implementation of this waiver on an ongoing basis and include its oversight in local area compliance monitoring.

Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The State requested a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The State is granted this waiver through June 30, 2017. Under the waiver, the State is allowed to postpone the determination of

subsequent eligibility of training providers. The waiver also allows the State to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

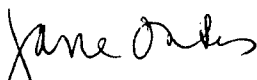
Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth.

The State requested a waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts (ITAs) for older youth and out-of-school youth program participants. The State is granted this waiver through June 30, 2017. Under this waiver, the State can use ITAs for older youth and out-of-school youth program participants. The State must continue to make the 10 youth program elements available as described at WIA Section 129(c)(2). The State should ensure that funds used for ITAs are tracked and that the ITAs are reflected in the individual service strategies for these youth.

The approved waivers are incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and are incorporated into the State Integrated Workforce Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and with the approved State Plan. In addition, as described in TEGL No. 29-11, the State should address the impact these waivers have had on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your State Integrated Workforce Plan for PY 2012 and beyond. As discussed in TEGL 36-11, we strongly encourage State WIA grantees to adopt the use of the American Job Center brand for your physical One-Stop Career Centers and online tools. We are available to provide technical assistance. If you have any questions related to the issues discussed above, please contact Bill Martin, the Federal Project Officer for Utah, at (972) 850-4635 or Martin.Bill@dol.gov.

Sincerely,


Jane Oates
Assistant Secretary

Enclosures

cc: Joseph Juarez, Regional Administrator, ETA Dallas Regional Office
Bill Martin, Federal Project Officer for Utah

From: Rachael Stewart [RACHAELSTEWART@utah.gov]
Posted At: Monday, September 17, 2012 4:29 PM
Conversation: WIA/W-P State Plan for Utah
Posted To: WIA.PLAN

Subject: WIA/W-P State Plan for Utah

Below is a link to our WIA/W-P Integrated Workforce Plan. Please let me know if you have questions or need more information for now.

<http://jobs.utah.gov/wia/integratedwia12.pdf>

Thank You,

Rachael Stewart

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Reduce paper waste – think before you print.

Attachment E
DEPARTMENT OF WORKFORCE SERVICES
Workforce Investment Act and Wagner-Peyser Integrated State Plan PY 2012

Request for Waiver Extension
Individual Training Accounts for WIA Eligible Youth

Utah requests a waiver of the statutory exclusion and regulatory prohibition of using Individual Training Accounts (ITAs) for youth. The Department of Workforce Services (DWS), the administrative entity for the Workforce Investment Act (WIA), requests this waiver as an effort to create efficiency, and in consideration of precedents set by approval of similar waivers requested by Indiana, Kentucky, Georgia, Texas, and Pennsylvania.

Under WIA, the focus of youth programs has changed from the provision of short-term, stand alone programs to providing year-round, long-term services designed to assist both in-school and out-of-school youth in making the transition to post-secondary training and careers. DWS believes the intent of this regulation is viable; however, DWS does not feel that contracted year-round youth programs are the best and only training vehicle for certain individuals within Utah's youth population.

With the focus of Common Measures moving states toward serving out-of-school youth at an increased level, the use of ITAs for this population will provide more flexibility in service delivery. The real-life informed decision-making involved in using ITAs and the Eligible Training Provider list would provide eligible youth with the experience of responsibility that is necessary as they transition to adulthood.

WIA requires local areas to make available a menu of ten program elements to eligible youth, specified at 20 CFR 664.410. DWS feels the intent of this regulation is practical for successful outcomes for youth. Youth service providers will be required to comply with ITA policy and procedures. It is not DWS' intent to request this waiver to circumvent the requirements of WIA, but rather to bring service delivery for youth closer to the intent of WIA and to serve customers efficiently according to their individual need.

Waiver Plan:

The waiver request format follows WIA Section 189(i)(4)(B) and 20 CFR 661.420.

1. Statutory regulations to be waived:

WIA Sections 122, 123, and (c)(2)&(3)(A)(iii) as well as 20 CFR 664.510 detail the expected service delivery of youth programs. DWS requests waiver of these regulations allowing for increased flexibility in service delivery.

2. Describe actions the state has undertaken to remove state or local statutory or regulatory barriers:

Upon notification of approval of the original waiver request, state rules, policies and procedures were developed and implemented in order to comply with the terms of the waiver. Necessary mechanisms were instituted at the time of the original waiver approval that ensured effective use of ITAs for youth, including an outline of specific actions that the State Youth Council on Workforce Services and the SWIB take to ensure appropriate use of ITAs for youth.

3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:

- Ensure the State has the flexibility to design and deliver programs based on the needs of customers in the service areas.
- Reduce the paperwork and tracking processes required with dual enrollment.
- Youth experience the impact of informed decision-making that has a direct impact on his or her life.
- Access to the Approved Training Provider list offers case managers the opportunity to discuss the process of decision-making (training provider, finances, etc.) and the results that ensue.
- Youth have access to a wide variety of training providers to assist them in becoming successful in the 21st Century Workforce.
- Provides for and promotes customer choice.
- Maximizes flexibility based on youth customers' assessed needs in terms of training that leads to self-sufficiency in high growth industries and occupations.
- Flexibility in service delivery
- Youth will have access to training providers which, in turn ensures their success in the changing economic conditions of the State

4. Describe any individuals affected by the waiver:

- Wider variety of providers for youth in pursuit of post-secondary education and training
- Flexibility of services offered by youth providers, and reduction of unnecessary paperwork
- Approved Training Providers will have the opportunity to serve eligible youth

5. Describe the processes used to:

a. Monitor the progress in implementing the waiver:

DWS is the State administrative entity for the Workforce Investment Act. The waiver enables Utah the flexibility to maintain seamless delivery of services and to customize the education and training programs for youth. Under the waiver extension, DWS will continue to monitor the impact of the waiver through a combination of local level reporting, State oversight, and State evaluation of financial data and performance measures.

The State has developed and continues to maintain appropriate policies and procedures relating to this waiver.

b. Provide notice to any Local Board affected by the waiver:

Consistent with the general waiver request, the State is adhering to publication requirements to insure the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB.

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

c. Provide any Local Board affected by the waiver an opportunity to comment on the request:

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

d. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and.

Current Status:

Given DWS' integrated service philosophy and complete implementation of the One-Stop system, youth customers receive a wide-array of targeted services just as other populations. As such, the continued use of an Individual Training Account for youth customers is imperative.

Allowing the use of ITAs with WIA Youth customers has allowed youth to make informed decisions regarding finances, training opportunities, and other services. DWS provides integrated services that include multiple programs through the One-Stop philosophy. By incorporating the WIA Youth program into the ITA system, DWS is able to offer seamless service regardless of the type of program or service in which a customer may be co-enrolled. Many other DWS services utilize the ITA philosophy thereby creating a vendor and educational institution awareness of the programs and services offered by DWS.

Utah appreciates the flexibility afforded to State through the waiver process and anticipates the SWIB waiver extension plan provides adequate accountability and improved performance for DOL approval.

Attachment F
DEPARTMENT OF WORKFORCE SERVICES
Workforce Investment Act and Wagner-Peyser State Plan PY 2012

Request for Waiver Extension
Youth Procurement

The Department of Workforce Services (DWS) requests the following waiver extension of the statutory exclusion and regulatory requirement for competitive procurement of service providers for all ten youth program elements.

Waiver Plan:

The waiver request format follows WIA Section 189(i)(4)(B) and 20 CFR 661.420.

1. Statutory regulations to be waived:

WIA Section 123 requirements to competitively select providers of youth program elements, which by association, apply to WIA Section 129(c)(2) and 20 CFR 664.410.

2. Describe action the state has undertaken to remove state or local statutory or regulatory barriers:

Utah DWS reviewed state statute and rules, including procurement rules, and DWS policies and procedures for contradictions. Research determined that there are no conflicting statutes, rules, policies, or procedures. The SWIB and DWS policies and procedures comply with current federal guidelines.

Utah's experience with the procurement of youth services indicates that few qualified providers exist and those with whom DWS has successfully contracted are government organizations. DWS has announced Request for Proposals (RFPs) for WIA Youth once every five years since 2000. Currently, state law and procurement code allow partner agencies to enter into non-competitive inter-governmental agreements. Waiver WIA Section 123 would not prevent DWS from striking such agreements when appropriate.

DWS is the WIA grant recipient and One-Stop Operator for the State of Utah and respectfully requests broader waiver authorization. DOL has allowed DWS the ability to deliver all WIA Youth services in the event a qualified provider is not available. DWS will announce a statewide Request for Information to establish a list of parties who are interested in delivering WIA Youth services.

Of the ten required WIA Youth service elements, DWS currently delivers or has the capacity to deliver the following:

- Tutoring/Drop-Out Prevention (through the Basic Education Approved Provider List)
- Paid and Unpaid Internships
- Summer Youth Employment Opportunities
- Occupational Skills Training (through the current ITA Waiver using the Occupational Skills Training Approved Provider List)
- Comprehensive Guidance and Counseling (through DWS Social Work Services by charging WIA Youth funding for the time spent with eligible WIA Youth)
- Mentoring

- Leadership Development
- Supportive Services
- Alternative School (Utah's State Youth Council on Workforce Services includes representatives of Public and Adult Education. The Utah State Office of Education staff work with the DWS State Youth Program Specialist to draft policy and procedures for coordination of efforts across the state. Public Education is responsible to deliver alternative school activities and DWS works closely with local educational entities to ensure eligible WIA Youth receive appropriate services. Each service area youth advisory board includes representation from Public and Adult Education.)
- Follow-Up

Utah is committed to the federal shared youth vision partnership. Utah's Youth Vision Team (YVT) ascribes to a shared vision: "Utah's at-risk youth live successfully as adults." The target population for YVT is youth involved with Juvenile Justice Services. This waiver assists in reaching YVT goals by:

- Increased consistency in tracking the target population resulting in increased access to employment and training resources
- Increased high school and/or GED completion rates
- Increased level of obtaining and maintaining employment
- Increased consistency in access to public assistance and other DWS supportive services

A significant benefit of allowing Utah to waive the competitive procurement requirement is a reduction in the administration costs of procurement. One of Utah's waiver goals is directing funds DWS would typically use for procurement back toward services for eligible WIA Youth.

Economic Service Areas (service areas) would have the flexibility to follow existing Utah Procurement Code, which would provide the options to:

- Enter into inter-governmental agreements, as appropriate, with service areas
- Announce RFPs and select providers within or outside of government as appropriate by service area
- Deliver services within DWS

DWS will ensure service area youth advisory boards have input into decision-making processes by a member of the service area youth advisory board serving as a committee member on the evaluation panel (as outlined in Utah's WIA Title I Wagner-Peyser PY 2007-2008 Strategic Plan, Section G).

3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:

The greater flexibility resulting from this waiver would allow DWS to improve the continuity of services to eligible WIA Youth, implement a more cost-effective and integrated service delivery system, and develop stronger ties with local employers in high growth and emerging industries. The waiver would further result in achieving efficiencies, reducing the cost of competitive procurement, and directing more funds to program activities that lead to performance outcome improvements.

4. Describe individuals affected by the waiver:

Individuals affected by this waiver include eligible WIA Youth, service area advisory and youth advisory board members, and partner agencies. Impacts are as follows:

- *Eligible WIA Youth:* The efficiencies gained as a result of the waiver will assist a growing pool of disconnected, high-risk youth. The unemployment rates for youth 16 to 19 years of age grew from 8.7 percent in 2007 to 16.2 percent in 2009. For those ages 20 to 24 years, the rate grew from 5.4 percent in 2007 to 13.4 percent in 2009.
- *Service Area Advisory and Youth Advisory Boards:* Although Utah is a WIA Single Service Delivery Area, each service area is fitted with an advisory board and youth advisory board. In the past, procurement of youth services occurred independently in each service area based upon a five-year cycle with the process taking almost one year to complete. Granting this waiver would allow DWS at both the state and service area level to minimize administrative costs associated with procurement and redirect those funds to targeted program services, including but not limited to the following:
 - Concentrating on improvements to the Literacy/Numeracy Gain performance outcome
 - Providing increased opportunities for paid internships
 - Providing in-house resources for customers in need of mental health treatment or substance abuse prevention/treatment
- *Partner Agencies:* The efficiencies gained as a result of the waiver will assist the YVT in continuing to address the needs of high-risk youth in a way that individual organizations cannot solve independently.

5. Describe the process used to:

a. Monitor the progress in implementing the waiver:

- Reviewing performance outcomes data quarterly and comparing results with the levels for the previous year.
- Reviewing new enrollments monthly and comparing results with the levels for the previous year. This will provide information regarding increased number of youth served.
- Reviewing financial reports monthly. Increased funding available must be monitored on an ongoing basis to ensure service areas expend 70 percent of funds available by the end of each program year.
- DWS has a comprehensive compliance monitoring process in place to ensure program integrity and continuous improvement. Elements include:
 - DWS' Program Review Team monitoring 10 percent of WIA youth cases each month to ensure program and fiscal compliance.
 - The Office of Legislative Audit conducts an annual audit of all DWS administered programs reporting results to DOL ETA.
 - Each service area is responsible for monitoring of quality case management practices.
- The State Youth Council on Workforce Services (SYC) provides oversight to WIA Youth service delivery. In discussions about continuous improvements, SYC members agree that the current procurement process is futile and obtaining a waiver of the requirement will improve services and increase the number of participants. The SYC reviews performance outcome results and fiscal progress at each quarterly meeting. A representative of each service area is a member of the SYC. If DWS identifies a fiscal or programmatic outcome issue in any service areas, the local representatives relay the message to the service area youth advisory board and work directly with the provider. Likewise, the representative carries congratulations for excellence and shares promising practices as part of the continuous improvement effort.

b. Provide notice to any Local Boards affected by the waiver:

Consistent with the general waiver request, the State is adhering to publication requirements to insure the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB.

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

c. Provide any Local Board affected by the waiver an opportunity to comment on the request:

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

d. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

Current Status:

DWS completed its most recent youth element request for proposal in 2011. This process resulted in three providers being eligible to provide four elements in limited geographic areas. Elements provided by these successful contractors include leadership development, tutoring/dropout prevention, mentoring, and comprehensive guidance/counseling. As there was not a successful bid for framework services or the remaining elements within all geographic areas, DWS maintained or incorporated administration of those services. In doing so, DWS experienced a decrease in administrative costs with an increase in number of youth served. Continuing with this waiver will allow DWS to meet the needs of youth efficiently while ensuring a high-level of service is received by youth across the state. The use of this waiver continues to be an integral part of services to youth as qualified providers are not available in all elements in all geographical areas of the state.

Attachment G

DEPARTMENT OF WORKFORCE SERVICES Workforce Investment Act and Wagner-Peyser State Plan PY 2012

Request for Waiver Extension Subsequent Eligibility Determination of Training Providers

The Department of Workforce Services (DWS) provides the following waiver plan and requests an extension to postpone implementation of the subsequent eligibility determination process for training providers. The extension will provide an opportunity to design and build an online database and reporting system for training providers. Training providers and DWS customers will have access to the latest training information, eligibility status, online provider applications, and current performance reports required for subsequent eligibility. Implementation of the Utah online database and reporting system will improve and enhance access to statewide service provider information in a cost effective way.

Utah supports the goals of consumer choice and program accountability as directed in the Workforce Investment Act (WIA) and believes approval of the extension will substantially improve success in achieving this goal. Implementation of the subsequent eligibility determination process will continue.

Background:

Utah markets the WIA concept of Eligible Training Providers (ETP) and has experienced some success. However, training providers have consistently indicated reporting requirements are not realistic, based on the limited number of enrollments and the cost of data maintenance. As subsequent eligibility determination approached, many training providers elected not to renew their eligibility with DWS. This has created a limited training choice for rural areas and threatened the Individual Training Account (ITA) System. The following synopsis presents these challenges and provides a solution that is the basis for the waiver.

Once the period of initial eligibility began, DWS coordinated with the SWIB and service area advisory boards to further educate training providers regarding data collection and the performance requirements of the subsequent eligibility process. Training providers consistently identified several concerns.

Creating and maintaining a system to collect required WIA data would be costly and burdensome, especially for smaller training providers. For many providers, the relatively small number of WIA-eligible participants accessing training services would not justify the resources necessary to collect required data. Many training providers do not have systems in place or staff available to produce required performance information in the specified timeframes. The majority of ETPs requested extensions primarily because production data was not available to meet subsequent eligibility requirements. There may be potential violations of data privacy especially related to the Family Educational Rights Privacy Act (FERPA).

WIA data requirements might present an additional burden to the amount of data already being collected from students at a time when most businesses, schools, and colleges are streamlining processes in order to be more customer friendly and cost efficient.

Potential training providers have acted upon their concerns by simply not completing the provider application while many current providers have declared that they are unable to comply with the requirements for subsequent eligibility certification. The loss of training providers, especially within the state's two-year college system, may have a negative impact in rural areas where the number of eligible training providers is already limited. The lack of eligible training options could virtually eliminate the ITA effort in many of DWS' rural employment centers. A waiver to extend the initial period of certification would maintain ETPs and provide customers with training options while ETP stakeholders have input in the design and implementation of an online system.

At present, the SWIB and service area advisory boards have insufficient data to make informed decisions about which training providers should be re-certified. Since information on employment and earnings come from the unemployment insurance wage system, there is a tremendous delay in obtaining wage information for the quarter after exit and three quarters after exit. A provider denied subsequent eligibility could consider any decisions made by local board regarding provider's eligibility arbitrary and open to a challenge.

Utah understands the need for accountability and supports efforts to ensure that customers are making informed decisions based on quality data. However, when the ability to effectively collect required data is severely limited, the resulting chaos could destroy customer choice and severely limit the use of ITAs. The primary goal of this extension is to ensure that DWS' adult and dislocated workers are able choose from a wide variety of effective and quality training opportunities.

Waiver Plan:

The waiver request format follows WIA Section 189(i)(4)(B) and WIA Regulation 661.420.

1. Statutory regulations to be waived and goals:

WIA Section 122(c)(5) and WIA Regulations Section 663.530 specifies the time limits for initial eligibility and/or subsequent eligibility. The goal of DWS is to design and implement an online database and reporting system to provide performance information, eligibility status, and service applications. The system will complement DWS' Plan and increase efficiency by providing users with up to date training performance information.

2. Describe actions the state has undertaken to remove state or local statutory or regulatory barriers:

DWS has implemented the Eligible Training Provider process as required under WIA through State Rule R986-600-652 and 653. No additional state requirements have been added to impede this process, but State Rules will be amended to reflect any federal waiver approved time frames. Therefore, there are no additional state regulatory barriers that need to be removed.

3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:

- a. **Develop and select an efficient and cost effective training provider performance data method that reasonably considers existing "substantially similar" performance data items**

that may be substituted for required current data items. A solution will alleviate provider concerns involving the type and extent of performance information needed and maintenance cost by including stakeholder suggestions and approval. Developmental progress and stakeholder approval will be monitored. Outcomes will include pre- and post-comparisons.

DWS' goal is to set criteria for performance data collection, which will ensure required data is obtained while easing the burden of data collection. The expected outcome is to retain current training providers while securing a user-friendly system that will increase the number of new providers to enhance customer choice.

- b. **Continue to increase the number of Eligible Training Providers and retain those already approved to ensure maximum customer choice. A measurable outcome would be the monitoring of ETP numbers.**

DWS currently has over 100 approved training providers. Of those training providers, approximately 21 are based at a university, college, or center of applied technology. These providers have been the most vocal about the type, amount, and cost of data collection for subsequent eligibility. DWS providers have expressed concern by either choosing not to participate or by not re-applying for subsequent eligibility.

- c. **Maintain the highest level of provider accountability and satisfaction in an error-minimum information system by developing and implementing a customer friendly system.**

Satisfaction level and error rate monitoring are measurable outcomes.

- d. **Continue to develop an online initial eligibility application process that will incorporate stakeholder approval. Include the application process as an enhancement to the ETP Website, with the objective of creating a "one-stop" ETP site.**

Quantity of site enhancements may be monitored to provide measurable outcomes.

4. Describe any individuals affected by the waiver:

The waiver will impact either directly or indirectly all individual training customers, training service providers, the SWIB, service area advisory boards, and the general business community. The largest direct impact is anticipated to affect individual training customers and training providers with the former experiencing either the greatest cost or benefit.

5. Describe the processes used to:

- a. **Monitor the progress in implementing the waiver:**

Progress will be monitored in two phases related to the system's design, development, and implementation. Progress will be measured by the quantity of approvals and completed software programs. Internet rollout will be monitored by observing the quantity of provider users and

DWS customer users. Satisfaction will be monitored to ensure that all users have a quality experience. ETP site enhancement features will be added and monitored.

b. Provide notice to any Local Board affected by the waiver:

Although Utah is a WIA single service delivery area, each of the service areas have local advisory boards that have provided waiver development input and approval to DWS' ETP waiver. Final waiver recommendations were provided to the SWIB and their approval has been presented to DOL. As evidenced above, the SWIB, service area advisory boards, and the training communities have been involved in the identification of concerns and solutions.

c. Provide any Local Board affected by the waiver an opportunity to comment on the request:

Although Utah is a WIA single service delivery area, each of the service areas have local advisory boards have provided waiver development input and approval to Utah's ETP waiver. Final waiver recommendations were provided to the SWIB and their approval has been presented to DOL. As evidenced above, the SWIB, service area advisory boards, and the training communities have been involved in the identification of concerns and solutions.

d. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:

The SWIB and service area advisory boards have business and organized labor representatives who were provided an opportunity for involvement and comment. Additionally, a general public comment period was provided as of the date of original waiver request. Additional comments received will be immediately forwarded and if appropriate, will be included in the waiver.

Utah appreciates the flexibility afforded to states through the waiver process and anticipates the SWIE waiver plan provides adequate accountability and improved performance for DOL approval.

Attachment H

DEPARTMENT OF WORKFORCE SERVICES Workforce Investment Act and Wagner-Peyser State Plan PY 2012

Request for Waiver Extension Allow Up to 50 Percent Transferability of WIA Adult and WIA Dislocated Worker Funds

The Department of Workforce Services (DWS) provides the following waiver request extension of the statutory exclusion and regulatory prohibition of the transfer of no more than 20 percent of the Program Year (PY) allocation between the Workforce Investment Act (WIA) Adult and Dislocated Worker funding streams. The waiver would grant the State Workforce Investment Board (SWIB) the ability to transfer up to 50 percent of each PY allocation between the WIA Adult and Dislocated Worker funding streams.

DWS has found this additional transfer allowance to be beneficial in local planning and in meeting service needs. This proposed waiver extension, allowing up to 50 percent transfer, would further enhance DWS' ability to address workforce needs within the state.

The direction of the current national workforce development principles promotes crosscutting of separate programs and silos wherever possible in order to enhance effectiveness of service delivery, both in customers' receipt of services and in program costs. The SWIB strongly endorses these principles. Approval of this waiver extension would contribute to alignment of Utah's workforce development strategies with the Governor's vision for a more integrated and effective workforce system. In addition, waiver extension approval would enhance alignment of DWS' workforce development strategies with the Department of Labor's (DOL) national strategic priorities, including integration of workforce investment systems to better respond to the needs of customers and provide greater flexibility in structuring workforce investment systems.

Waiver Plan:

The waiver request format follows WIA Section 189(i)(4)(B) and WIA Regulation 661.420.

1. Statutory regulations to be waived:

WIA Section 133(b)(4) and 20 CFR 667.140(a) provide that with the approval of the Governor, states may transfer up to 20 percent of a PY allocation for adult employment and training activities, between the two programs. Federal appropriations bills enacted for fiscal years 2003 and 2004 included a provision that allowed transfer up to 30 percent of funding between the Adult and Dislocated Worker programs.

2. Describe actions the state has undertaken to remove state or local statutory or regulator barriers:

Based upon the original approval of this waiver request, DWS instituted state rules, policies, and procedures to comply with the terms of this waiver. Upon notification of extension approval state rules, policies, and procedures will remain intact in order to comply with the terms of the waiver. Necessary mechanisms were instituted at the time of the original waiver approval that ensured effective use of the

transfer authority, including a specific outline of actions that the SWIB must take in requesting the approval to modify the current transfer percentage rate.

3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:

- Maintain the current flexibility that allows the SWIB to quickly and efficiently respond to workforce and economic dynamics within the state.
- Ensure that Utah's workforce investment system can support a 21st Century workforce by increasing program delivery flexibility; increasing DWS' partnership with economic development in order to meet the needs of a demand driven workforce system, and ensuring better partnerships with educators and economic development in relation to high growth, high demand vital industries.
- Increase accountability at the state and service provider levels.
- Improve performance outcomes.
- Improve the ability of the SWIB to design programs and provide targeted assistance in response to customer needs.
- Ensure that the workforce investment system is responsive to the changing economic conditions of the state.
- Increase the number of customers served.

4. Describe any individuals affected by the waiver:

The SWIB and DWS will have the flexibility to design programs based on local needs and priorities while partner programs will be able to better align their services with those of the local WIA programs. Employers will be better served through participants that acquire skills specific to each employer's needs and DWS employment counselors will be afforded additional flexibility in order to meet individual customer needs. WIA program participants will receive services appropriate to the participant group(s) needs as well as an increased utilization of funds resulting in more participants being served in the aggregate.

5. Describe the process used to:

a. Monitor the progress in implementing the waiver:

DWS is the State administrative entity for WIA. The waiver enables DWS to maintain the flexibility of designing seamless delivery of services. Further, DWS is able to customize the planning and service delivery for applicable programs. Under the waiver extension, DWS will continue to monitor the impact of the waiver through a combination of local level reporting, state oversight, and state evaluation of financial data and performance measures. DWS has developed and continues to maintain appropriate policies and procedures relating to this waiver.

b. Provide notice to any Local Board affected by the waiver:

Consistent with the general waiver request, the state adheres to publication requirements insuring the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB. Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

c. Provide any Local Board affected by the waiver an opportunity to comment on the request:

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

d. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

Utah appreciates the flexibility afforded to state through the waiver process and anticipates the SVIB waiver extension plan provides adequate accountability and improved performance for DOL approval.

Current Status:

Given the national and statewide economic situation, DWS respectfully requests to continue the transferability of Dislocated Worker and Adult funds waiver. By allowing DWS to move funds between these two funding sources, funds can be apportioned based upon actual need. In Program Year 2011, DWS served using intensive and/or training services 4,455 customers under the WIA Adult. WIA Dislocated Worker served 2,593 customers. The State of Utah is currently experiences a 6.5 percent seasonally adjusted unemployment rate, however, the rate varies from 4.6 percent to 11.4 percent depending upon the county. Based upon this data, Utah has and continues to experience a significant number of layoffs. Given the volatile nature of the economy incorporating the current recessionary flow DWS anticipates the continued necessity of transferring funds between these two sources.

Attachment I

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Waiver Request Extension Requirement for Reporting Performance Outcome Measures

The Department of Workforce Services (DWS) seeks to maintain its waiver of the seventeen indicators of performance, including 15 core and two customer satisfaction, employment, and training activities authorized under WIA Sections 129 and 134, the four Labor Exchange Performance Measures authorized under the Wagner-Peyser Act, the three Veterans Performance Measures authorized under USC Title 38 as amended by the Jobs for Veterans Act of 2002, and the Trade Act performance measures. This waiver request extension will enable Utah's workforce development partners to maintain the six common performance measures, three for adult and three for youth, as approved by the Department of Labor (DOL) and five other federal agencies.

These new measures focus on employment placement and retention, earnings, placement in education, attainment of degree or certificate, and literacy and numeracy gains. Utah's intent mirrors that of the WIA by simplifying and streamlining the performance accountability system that is an integral part of the workforce development system. This request is in keeping with the state's vision of a more knowledgeable, skilled, engaged, and flexible workforce. It has been DWS' experience, and is the consensus opinion of most workforce development professionals, that the current performance measurement system is too cumbersome to be a viable program management tool. A set of clear and understandable outcome measures will ensure accountability across all workforce development programs, while improving program management and performance.

Common performance measures and corresponding data outcomes will provide necessary information to help effectively oversee the workforce investment system. They will enhance the state's ability to assess the effectiveness and impact of workforce development efforts. Common measures will provide a more effective means of determining performance of the various programs, accomplishing this through a system-wide perspective. Such a cross-program strategy is consistent with the move toward integration of programs as embodied in WIA's one-stop system.

Waiver Plan:

The waiver request format follows WIA Section 189(i)(4)(B) and WIA Regulation 661.420.

1. Statutory regulations to be waived:

WIA Sections 189(i)(4), 129, 134, and 168 as well as 20 CFR 652.3, 661.400, 661.410, 661.420, and 666.100. Additionally, Wagner-Peyser Act as amended, Section 10(c) and 3(c), Title 38 USC as amended by the Jobs for Veterans Act of 2002, and Trade Act performance measures.

2. Describe actions the state has undertaken to remove state or local statutory or regulatory barriers:

Based upon the original waiver approval, state rules, policies, and procedures were developed and implemented in order to comply with the terms of the waiver. These rules, policies, and procedures would be maintained under the waiver extension.

3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:

- Maintain a simplified and streamlined performance measurement system.
- Maintain integrated system-wide performance accountability.
- Maintain commonality across workforce development programs.
- Maintain a reduction of paperwork and labor costs associated with performance data collection.
- Maintain clear and understandable information presented to Congressional and legislative leaders and the general public concerning the use of public funds and return on investment.
- Maintain a more useful program management tool.
- Maintain customer-driven instead of program-driven outcomes.
- Maintain better service coordination and information sharing among programs.
- Serve as a catalyst to begin the process of using the common performance measures across programs.
- Greater degree of efficiency in program delivery.
- Simplified and streamlined performance measurement system.
- Ability to provide clear and understandable information to stakeholders, including the SWIB.
- With an emphasis on furthering customer satisfaction through choice, individual opportunity, and continuity of services, DWS can ensure an efficient and quality delivery system. Customer satisfaction will continue to be an important factor measured by DWS in relation to services provided to all populations. By implementing and maintaining the waiver of the original 17 performance measures and focusing primarily on the services provided to customers, DWS and the SWIB maintain a high level of customer service as opposed to only focusing on program outcomes. This philosophy ensures a high-level of responsiveness and investment by staff in the success of customers and employers. DWS is currently developing a process to measure customer satisfaction for both employment and participant populations.

4. Describe any individuals affected by the waiver:

Approval of this waiver extension will positively impact all customers of the workforce investment system by maintaining accountability and high standards of program performance and management.

5. Describe the processes used to:

a. Monitor the progress in implementing the waiver:

DWS is the state administrative entity for WIA, the Wagner-Peyser Act, Veterans Programs, and the Trade Act. DWS monitors the impact of the waiver, as well as progress toward expected outcomes, through a combination of performance reporting and discussion with stakeholders. State oversight and evaluation will make effective use of these means to identify and address obstacles. Upon original waiver approval, the state reviewed and modified applicable rules, policies, and procedures.

b. Provide notice to any Local Board affected by the waiver:

Consistent with the general waiver request, the State adheres to publication requirements insuring the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB. Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

- c. **Provide any Local Board affected by the waiver an opportunity to comment on the request:**
Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.
- d. **Ensure meaningful public comment, including comment by business and organized labor, on the waiver:**
Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

Utah appreciates the flexibility afforded to states through the waiver process and anticipates the SV/IB waiver plan provides adequate accountability and improved performance for DOL approval.